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Message Text

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PAGE 01 USUN N 03104 042337Z

22
ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07 EPA-01

ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04

PRS-01 SP-02 SS-15 USIA-06 SAL-01 /158 W
---------- 008987
R 042301Z AUG 76
FM USMISSION USUN NY
TO SECSTATE WASHDC 8499

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FROM LOS DEL

E.O. 11652: N/A
TAGS: PLOS
SUBJ: LOS:DISPUTE SETTLEMENT: INFORMAL PLENARY AUGUST 3

1. CONSIDERATION OF PART IV OF THE REVISED SINGLE NEGOTI-
ATING TEXT COMMENCED AUGUST 3 IN INFORMAL PLENARY SESSION.
CONFERENCE PRESIDENT AMERISINGHE OPENED WITH ANNOUNCEMENT
THAT EVENSEN OF NORWAY WOULD CHAIR CDS WORK WHILE HE IS
ABSENT AUG. 5-23.

2. AMERASINGHE STATED THAT THERE IS GENERAL AGREEMENT THAT
THE TREATY SHOULD INCLUDE DISPUTE SETTLEMENT
PROCEDURES THAT ARE OBLIGATORY AND LEAD TO A FINAL AND BINDING
DECISION. HE ALSO STRESSED THAT SENSE OF THE PART IV DOCUMENT
IS THAT THERE SHOULD BE FREEDOM OF CHOICE OF METHOD FOR CDS.
GROUP THEN COMMENCED ARTICLE BY ARTICLE REVIEW OF PART IV,
SECTION 1 (ARTS. 1-6).
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PAGE 02 USUN N 03104 042337Z

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3. ARTS. 1 AND 2 WERE ACCEPTABLE WITH ADDITION OF REFERENCE TO ART. 2 OF THE UN CHARTER IN ARTICLE 1.

4. THE USSR PROPOSED THAT THE PROVISION IN ART. 3 ALLOWING SUBSTITUTION FOR PART IV PROCEDURES OF ARBITRATION AND JUDICIAL SETTLEMENT PROVIDED FOR IN AGREEMENT BETWEEN PARTIES TO THE DISPUTE SHOULD BE EXPANDED TO INCLUDE OTHER MEANS FOR THE SETTLEMENT OF DISPUTES. NETHERLANDS, EL SALVADOR, US, SPAIN, DENMARK, AUSTRALIA, IRELAND, FIJI, GHANA, FRANCE, FRG AND PANAMA SUPPORTED PRESENT TEXT, WITH SEVERAL POINTING OUT THAT REFERENCE TO OTHER MEANS WOULD INCLUDE NON-BINDING OR NOT FINAL MEANS AND UNDERCUT THE OBLIGATORY, FINAL AND BINDING SETTLEMENT. CZECHOSLAVAKIA AND TURKEY SUPPORTED USSR PROPOSAL. US RECEIVED SUPPORT FOR SUGGESTED REFERENCE TO QTE. OTHER MEANS ENTAILING A FINAL AND BINDING DECISION. UNQTE. AMERASINGHE REMINDED GROUP THAT THE OBJECTIVE IS A FINAL AND BINDING DECISION.

5. ITALY AND SEVERAL OTHERS SUGGESTED THAT ART. 4 (EXCHANGE OF VIEWS) BE EXPANDED TO OBLIGE AN INSTITUTION-ALIZED EXCHANGE OF VIEWS AFTER BINDING DECISION RENDERED, I.E. WITH RESPECT TO EXECUTION OF THE JUDGMENT.

6. ARTICLE 5 QATAR RAISED PROBLEM OF DELAYING COMMENCE-MENT OF CDS PROCEDURES WHILE OTHER MEANS ARE BEING PUR-SUED. THIS PROBLEM WILL BE DEFERRED TO ARTICLE 7 DISCUS-SION WITH RESPECT TO MEANS FOR SETTLEMENT NOT INVOLVING AN AGREED TIME LIMIT.

7. NO DEL ASKED FOR THE FLOOR ON ART. 6 (CONCILIATION) ALTHOUGH HOUR WAS LATE AND SOME MAY COME BACK TO IT.

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